

## EDITORIAL

### Should all the crimes reported to a medical officer be mandatorily informed to law enforcement authorities in Sri Lanka? An ethico-legal interpretation

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“All crimes should be informed to the law enforcement authorities” is the currently widespread and accepted belief among the majority of the medical fraternity within Sri Lanka. This credence has been implemented in the teaching protocol of medical undergraduates and postgraduates for decades. Therefore currently, nearly the entirety of the medical officers would report all the alleged crimes they come across in the hospital to the Police, regardless of the patient's wishes. There were incidents in which the patient specifically requested not to inform the crime he/she was involved in, but the medical officer nevertheless had proceeded to inform the Police.

Here, the medical officer firmly believes that a crime should mandatorily be informed, and if not he/she is statutorily responsible and punishable for not informing to the relevant authorities according to the certified procedure.

However, in certain noted cases, the after-effects of such a reporting could potentially be socially and psychologically unpleasant, particularly for the victim involved. For example, in an alleged case of domestic violence, the wife solicits from the according medical officer to refrain from informing this incident to Police. Ignoring the personal autonomy of the patient, the medical officer informs this and the Police would start investigations. Studious interrogation from the husband, children, and other inhabitants,

police visits to the home, filing a court case against the husband who lives in the same house and the breadwinner of the family, husband, and wife appearing and arguing in the court house as the respondent and the complainant while being living in the same house may create unnecessary outcries within the family and society.

However, this is not the reality, and correct interpretation of the current law. The section 21 of the Criminal Procedure Code of Sri Lanka states that:

**Every person aware-**  
**(a) of the commission of or the intention of any other person to commit any offence punishable under the following sections of the Penal Code namely, 114, 115, 116, 117, 118, 119, 120, 121, 122, 126, 296, 297, 371, 380, 381, 382, 383, 384, 418, 419, 435, 436, 442, 443, 444, 445 and 446 ;**  
**shall in the absence of reasonable excuse-the burden of proving which shall lie upon the person so aware-forthwith give information to the nearest Magistrate's Court or to the officer in charge of the nearest police station or to a peace officer or to the Grama Seva Niladhari of the nearest village of such commission or intention.**

Accordingly, within the “Offences against the human body” listed in Chapter XVI of the Penal Code of Sri Lanka only murder (Section 296) and culpable homicide not amounting to murder (Section 297) should be informed. Other crimes listed in the same chapter such as simple hurt (Section 310), grievous hurt (Section 311) sexual harassment (Section 345), rape (Section 363), incest (Section 364 A), unnatural offences (Section 365), acts of gross indecency between persons (Section 365A), grave sexual abuse (Section 365 B) are not listed in section 21 of the Criminal Procedure Code of Sri Lanka and therefore need not be informed mandatorily.

Though listed under “Offences against the property” in Chapter XVII of the Penal Code of Sri Lanka, voluntarily causing hurt during a robbery, (Section 382), voluntarily causing grievous hurt, or attempts to cause death during a robbery (Section 383) should be mandatorily informed as per the Section 21 of the Criminal Procedure Code of Sri Lanka.

Therefore, in summary, all the crimes reported to a medical officer should not mandatorily be informed. The mandatorily informed crimes include murder (Section 296), culpable homicide not amounting to murder (Section 297), voluntarily causing hurt during a robbery, (Section 382), and voluntarily causing grievous hurt, or attempts to cause death during a robbery (Section 383).

In all other reported cases, the medical officer has virtually no legal binding to inform a crime reported to him/her, and must respect the autonomy of the patient, and should not go against the patient's wishes. Anything contrary to this rule is a violation of the ethical principle of ‘autonomy’.

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